



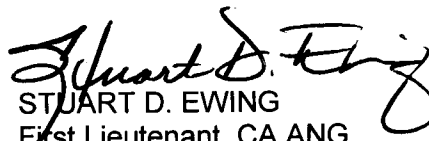
**HUMAN RESOURCES OFFICE
TECHNICIAN / AGR ADMINISTRATIVE INSTRUCTION**

Number: 04-03

01-22-04

**ACTIVE DUTY WITHOUT PAY – 44 WORK DAYS (352 Hours)
NO EXPIRATION**

1. National Guard technicians supporting overseas missions in a non-combat area are frequently placed on active duty. Available military leave, annual leave, and compensatory time off is often insufficient to cover many of these absences. In accordance with 5 USC 6323(d), as amended by Public Law 104-106, Section 1039, 10 February 1996, National Guard technicians are authorized 44 work days (352 hours) of **active duty without pay** without loss of, or reduction in, pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating for each day the technician participates in non-combat operations outside the United States, its territories and possessions. This leave is not authorized for active duty during a war or national emergency declared by the President or Congress.
2. A technician may elect to perform military duty **WITH MILITARY PAY** utilizing military leave, annual leave, compensatory time off and/or leave without pay, or **WITHOUT MILITARY PAY** utilizing the 44 work days (352 hours) leave entitlement and receive full technician pay. The leave code for time and attendance purposes is "LL" (specify in the remarks "44 work day military leave entitlement"). Technicians may elect to use military leave, annual leave, compensatory time off, or leave without pay in conjunction with the 44 work days (352 hours) of military leave. **Remember - A technician may not receive military pay on days he or she uses the 44 work days (352 hours) of military leave entitlement.**
3. The 44 workdays (352 hours) of military leave is credited at the beginning of each calendar year. There is no prorating for a partial year. Leave unused at the end of the calendar year cannot be carried into the next calendar year. The leave is converted into hours and charged on the same basis that annual leave is charged. There is no charge for non-work days. Although a technician may use the 44 days (352 hours) of military leave entitlement and receive full technician pay, the technician is considered to be in an active duty status and is not entitled to earn compensatory time and, if injured, is not eligible for worker's compensation.
4. If you have any questions, contact Nancy Hamilton, Human Resources Specialist, at CAGNET 63411, DSN 466-3411 or (916) 854-3411.


STUART D. EWING
First Lieutenant, CA ANG
Deputy, Human Resources Officer

DISTRIBUTION:

Air: TA
Army: TA